

Applic. No. 09/745,563

Amdt. dated December 8, 2003

Reply to Office action of November 7, 2003

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-23 are now in the application. Claims 20-22 have been withdrawn. Claim 23 has been added, support for which can be found on page 16, line 18 to page 17, line 25, and in Fig. 5. No new matter has been added. Figure 2 has been amended to correct a typographical error, symbol "45" has been changed to "49" so as to properly identify the cam roller.

In item 1 on page 2 of the above-identified Office action, claims 1-19 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that regarding claim 1, no guide element structure and no feed table structure have been set forth.

The Examiner's rejection is not understood. The rejection is a rejection of claim 1, yet the rejection repeatedly refers to "structure" not being set forth and what is "not understood".

Regarding the matter of "structure", it is noted that complete details of the structure of the invention are properly set

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forth in the specification, not the claims. In the instant application, both the guide element structure and the feed table structure are fully set forth in the specification. The claims, on the other hand, merely set forth these elements in a broad manner. The Examiner should not confuse breadth with definiteness. If claims are believed to be too broad, an art rejection, not an indefiniteness rejection, should be made.

Regarding the matter of what is not understood, once again, it is the specification, not the claims that provide a complete understanding of the invention. It is believed that the guide element structure and the feed table structure are understood from reading the specification. Clearly, the Examiner cannot mean that the simply relationship "a guide element to be disposed above a feed table" as recited in claim 1 is not understood.

Greater details regarding the structure set forth in the specification are given below.

It is respectfully noted that, accordingly, further structure is not required, the claims may be broad but they are not indefinite.

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The Examiner stated that it is not understood how the guide element structurally guides the sheets. The Examiner is directed to page 13, lines 1-9 of the specification. There it is disclosed how the guide rollers are disposed and that they are formed of convex separating rollers mounted by ball bearings on a guide element holder 21.

The Examiner stated that it is not understood where the "height adjusting device" is structurally located on each of its ends. Furthermore, the Examiner stated that it is not understood what motion(s) the guide element describes, and it is not understood what the first drive and the second drive are structurally comprised of, where they are structurally located and what each drive controls. It is respectfully noted that further structure is not required, the claims may be broad but they are not indefinite.

The Examiner stated that regarding claim 2, it is not understood how the drives can be coupled to each other and yet be operated independently in base claim 1. It is respectfully noted that claim 1 states that the drives can be "actuated independently of each other", it is not stated that the drives can be operated independent of each other. It is believed to be clear that both drives can be independently actuated.

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The Examiner stated that regarding claim 4, it is not understood how the piston rod structurally interacts with the guide and it is not understood where the second end is structurally located. It is respectfully noted that further structure is not required, the claims may be broad but they are not indefinite. The Examiner is directed to page 20, lines 12-14 of the specification, where it is stated that the connecting element 101 is connected to the end of the piston rod 71 (the second end).

It is believed that the relationships recited in claim 1 are defined in a manner that makes the claim definite, gives a sufficient technical teaching to make and use the invention, and distinguishes the invention from the prior art. Claim 1 may still be considered broad, but as long as claim 1 is definite and overcomes the prior art it is believed that the applicants are entitled to use a broad claim language. An exact definition of the structure and motion of the guide rollers, the structural location of the height adjusting device, and the structure of the first and second drives in claim 1 would result in an undue restriction of the scope of claim 1. Therefore the claims have not been amended to overcome the rejection.

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It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

In item 4 on page 3 of the Office action, claims 1-4, 16, and 19 have been rejected as being obvious over Hess et al. (U.S. Patent No. 4,746,004) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

a height-adjusting device connected to the guide element for adjusting a distance between the guide element and the feed table, the height-adjusting device having a first drive and a second drive which can be actuated independently of each other.

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The Hess et al. reference discloses a device for guiding sheets with a roller (29) as a guide element. The roller (29) is disposed so that it is height adjustable by the drive (13). A second drive (14) "pneumatic piston" is provided as a horizontal drive for shifting a cross bar (24) and movable stops (12) in a direction of arrow (7) (column 4, lines 24-51; and Figs. 1 and 1a).

The reference does not show a height-adjusting device connected to the guide element for adjusting a distance between the guide element and the feed table, the height-adjusting device having a first drive and a second drive which can be actuated independently of each other, as recited in claim 1 of the instant application. The Hess et al. reference discloses a drive (12) for the height adjustment of a roller (29) and a second drive (14) for shifting a cross bar (24) and stops (12) in a horizontal direction. The Examiner stated in item 4 of the Office action, that the guide element (12) is height-adjustable by independently actuated first drive means (13) and second drive means (14) that are coupled together. However, it is respectfully noted that the second drive means (14) is used for horizontally shifting the cross bar (24) and stops (12). This is contrary to the invention of the instant application as claimed, in which the first and second drives

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can be actuated independently to adjust the height of the guide element.

New claim 23 has been added to recite the feature that the drives are vertical drives. This is recited on page 16, line 18 to page 17, line 25 of the specification of the instant application and is not found in Hess et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-19 are solicited.

In item 5 of the Office action, the Examiner stated that Applicants are required to provide a translation of applicant's cited foreign patents to complete the record. It is respectfully noted that applicants are only required to provide the translation if available. Since the translations are not available, they have not been provided.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


For Applicant(s)

Alfred K. Dassler
52,794

AKD:cgm

December 8, 2003

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

